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IN HONOR OF MR. CARL VAIL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FORBES. Mr. Speaker, rare is the occasion when one person so defines the character of a place, but I stand here today reflecting on just such a man, Mr. Carl Vail, of Southold, Long Island, New York. A man of great dignity and integrity, someone who held dear his Long Island home and served his country with special distinction, Carl Vail was someone that made you feel proud to be an American. That is why it is with great sadness that I inform my colleagues in the U.S. House of Representative of the passing of Carl Vail, at 102 years of age, on Thursday, March 12, 1998.

Born on August 12, 1895, Carl Vail lived his life as a reflection of the view that our national and familial legacy are gifts to nurture and pass on to our sons and daughters. The Vails are one of Long Island's and America's oldest families, having served and protected this land since the early 1700's. A Vail has fought in nearly every American conflict since the French and Indian War. Just last year, Carl discovered that he was a descendant of Christopher Vail who fought in the Revolutionary War. His own son Everett Flew B-24s in World War II and his seven grandsons served during the Vietnam conflict.

That tradition of service and patriotism ran deep in Carl Vail, who left the family's Southold farm to join the U.S. Army in December of 1917 and served his country in World War I. Carl was wounded in combat a month before the war ended after an enemy mustard-gas attack in France's Argonne Forest. Due to lost paperwork and a modest regard for his own heroic service to our country, Carl did not receive his Purple Heart until 1982. Until he passed away, Carl Vail was one of two dozen surviving World War I veterans living in Suffolk County.

After courageously serving his country, Carl returned to Southold, where he and his brother started a Hupmobile franchise, the beginning of an automobile sales business that lasted nearly 70 years. Generations of East Enders purchased their cars from Vail Brothers in Southold, Vail Motors in Riverhead and Seavale Motors in Southampton, dealerships that sold 20 different makers of cars, from Packards to Hudsons to Model T Fords.

I am proud to have come to know Carl during my service as a Member of the Congress representing Brookhaven, Smithtown and the five East End towns of Suffolk County. Born and raised in the same East End community, I can tell you that Carl Vail was the epitome of Eastern Long Island: friendly, proud, independent-minded and loyal to the core of this place to which the Vail family was such an integral part.

Carl Vail was a spirited man who cared about our community and participated in it to the last hours of his 102 years. May God bless and keep him. He will be sorely missed by all who knew him and all who so dearly love the East End.

CARL VAIL, WWI VETERAN, DIES—SOUTHOLD FAMILY'S LEGACY OF SERVICE

(By George DeWan)

The Vail family name is one of Long Island's oldest, and a Vail has fought in most of America's wars going back to the French and Indian War in the mid-1700s.

On Thursday, Carl Vail of Southold, who was gassed as an infantryman in France in World War I and was one of about two dozen surviving World War I veterans in Suffolk County, died at 102. He passed away at the Veterans Affairs Medical Center in Northport after an eight-month illness.

Vail was best known on the East End for the automobile dealerships he founded: Vail Brothers Inc. in Southold, Vail Motor Corp. in Riverhead and Seavale Motors in Southampton. He had sold 20 makes of cars—including Packard, Willys, Nash, Hudson, Maxwell and Model T Ford—and became one of the top dealers in eastern Suffolk.

Born in Peconic on Aug. 12, 1895, Vail was 22 when he was drafted in 1917. He was a farmer at the time, but was in love with the water. "I wanted to get in the Navy," he said in an interview with Newsday last year. "They said they'd take me only as a ship's cook." He didn't want to be a cook, so he went to the draft board in December, 1917.

Vail was a member of the Army's 77th, known as the Rainbow Division, which trained at Camp Upton in Brookhaven. He was hospitalized after an enemy mustard-gas attack in France's Argonne Forest in early October, 1918, a month before the war ended. After a number of governmental paperwork snafus, he was awarded the Purple Heart in 1982.

"My son, Everett, was a B-24 pilot in World War II," he has said. "He did 35 missions over Germany and came home without a scratch. During the Vietnam War, I had seven grandsons in the service." Vail learned only last year that he was a descendant of Revolutionary War soldier Christopher Vail.

Vail first learned to drive in a 1905 Pierce Arrow, and cars became a hobby, then a business. In 1919, he and his brother got a Hupmobile franchise, the beginning of an automobile sales business that grew and grew, lasting until 1983, when he retired at 88.

"In '27 I brought an acre of potato land for \$8,000," he said. "We built a garage, and I built up a \$100,000 business in a little town."

"When World War II started, most car dealers went out of business," Vail's grandson, Carl III, said yesterday. "He went out and bought a lot of cars. He once told me he was either going to go bankrupt or make a lot of money. After the war, he had a lot of cars, and he made a lot of money."

Vail helped found chapters of the American Legion in Mattituck and Southold. He was a life member of Eastern Long Island Hospital, a member of the Southold Universalist Church, the Southold Rotary Club and the East End Surf and Fishing Club.

Vail is survived by three children: Mary Hart of Southold, Virginia Bard of New York City and C. Everett Vail of Malabar, Fla.

Cremation was private. A memorial service will be held 3 p.m. Sunday, May 3, at the Universalist Church in Southold.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers:

Mr. STOKES. Mr. Chairman, I rise to strongly oppose H.R. 3246, mistakenly called the Fairness for Small Business and Employees Act.

I use the adverb "mistakenly" because I do not believe that this bill would provide fairness for either small businesses or for employees.

This proposed legislation would allow employers to discriminate against any applicant who he or she determines have been either a union organizer or an activist in an union, and who is suspected of engaging in union activity as the "primary purpose" of seeking employment.

For 60 years, the National Labor Relations Board (NLRB) made rulings, acting under the authority of the National Labor Relations Act (NLRA), that clearly prohibited discrimination against workers based on their union membership or activities. The principles supporting these rulings have been upheld by the U.S. Supreme Court (NLRB v. Town and Country Electric, 1955.)

Title I of H.R. 3246 would amend the National Labor Relations Act to permit employers to refuse employment, or to fire, a person who is not a "bona fide employee applicant", if the employer believes that the applicant is not 50% motivated to work for the employer. Both of these conditions are, of course, subjective measures and would thus, give employers unrestricted ability to exclude from hiring any person suspected of union activity.

Title II would restrain the right of workers to organize by making it more difficult for a union to be recognized as the bargaining representative at a single facility of a multi-facility employer. The NLRB has, for over thirty five years, recognized that each separate workplace of an employer is an "appropriate" unit for collective bargaining. Forcing workers to organize all sites of a single employer in order to have union representation at one site of course presents a nearly unsurmountable obstacle to having any representation. Instead, title II imposes on the NLRB a set of subjective tests, and lengthy hearings by which the board is to determine the appropriate bargaining unit.

However, title III is partly acceptable. The positive part is that it would require the NLRB to decide wrongful termination cases within one year. However, there are no enforcement measures and this title needs to be amended to require the NLRB to reinstate a discharged worker should a preliminary investigation indicate that there is reasonable cause to believe that the discharge violated the NLRA.

Lastly, title IV of H.R. 3264 would have the effect of severely limiting the NLRB's ability to enforce worker protection rights at small business sites. It would require the NLRB to pay attorney fees and expenses of any small business that prevails in administrative and judicial proceedings, regardless of whether the NLRB's position was substantially justified or reasonable.